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Attorneys for Plaintiff XOJET, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

XOJET, INC.,

Plaintiff,

v.

CESSNA AIRCRAFT COMPANY,

Defendant.

Case No. CV-09-1407-CW

STIPULATION OF DISMISSAL AND
ORDER OF DISMISSAL

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and Local Rule 7-12, Plaintiff XOJET, Inc. and Defendant Cessna Aircraft Company hereby stipulate to the dismissal of Plaintiff's Claim and Defendant's Counterclaim in the above-captioned action with prejudice and without costs or attorney's fees to any party.

1 PURSUANT TO STIPULATION IT IS SO ORDERED.

2 
3 _____

4 Claudia Wilken, U.S.D.J.

5
6 July 14, 2009

7
8 XOJET, INC.

9
10 June ____, 2009

By /s/ Thad A. Davis

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27
28 CESSNA AIRCRAFT COMPANY

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to General Order 45, section IX.A-B, this document filed through the Electronic Case filing (“ECF”) system on June ____, 2009 will be sent electronically to Douglas Adam Rochen, Esq. at his email addresss, drochen@murchisonlaw.com, via Notice of Electronic Filing.

I am employed in San Francisco, California; I am over 18 years of age and not a party to the within action; my business address is: Ropes & Gray LLP, One Embarcadero Center San Francisco, California, 94111.

Executed on June ____, 2009 at San Francisco, California.

/s/ Thad A. Davis

Thad A. Davis